

STATE OF NEBRASKA  
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF EXPEDITED TRANSFER EXT-1555 FOR WATER APPROPRIATION A-15758

WATER DIVISION 2-C

Background

1. Surface water appropriation A-15758 is currently held by Brush Creek Ranch.
2. Appropriation A-15758 has a priority date of January 28, 1981, and authorizes the use of water for irrigation of the 105.5 acres of land described below. The water may be diverted from Brush Creek at a point of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, Township 32 North, Range 14 West of the 6<sup>th</sup> P.M. in Holt County at a maximum rate of 1.51 cubic foot per second (cfs) (678 gallons per minute). The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

Township 32 North, Range 14 West of the 6 <sup>th</sup> P.M. in Holt County		Acres
Section 12:	NE $\frac{1}{4}$ SW $\frac{1}{4}$	23.88
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.22
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.18
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.22
TOTAL		105.50

3. Lon W. Keim, on behalf of Brush Creek Ranch, filed EXT-1555 an application for a permit for an expedited transfer of the location of use requesting a transfer of the land authorized to be irrigated by appropriation A-15758, and map number 17276 showing the land proposed to be irrigated under appropriation A-15758 through transfer EXT-1555.

Order

IT IS HEREBY ORDERED:

1. Application EXT-1555 for a Permit for an Expedited Transfer of the Location of Use and map number 17276 are APPROVED.
2. Appropriation A-15758 through transfer EXT-1555 authorizes the use of water to irrigate 105.5 acres of land described below and depicted on map number 17276, which is made a part of this Order. The water may be diverted from Brush Creek at a point of diversion in SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, Township 32 North, Range 14 West of the 6<sup>th</sup> P.M. in Holt County at a maximum rate of 1.51 cfs (678 gallons per minute).

The rate that water may be diverted shall not exceed one cfs for every 70 acres irrigated and an annual volume not to exceed 3 acre-feet per acre irrigated.

Township 32 North, Range 14 West of the 6 <sup>th</sup> P.M. in Holt County		Acres
Section 12:	SE $\frac{1}{4}$ NW $\frac{1}{4}$	0.9
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.3
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	1.1
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.5
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.8
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.6
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.4
Section 13:	NE $\frac{1}{4}$ NW $\frac{1}{4}$	0.2
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	<u>0.1</u>
	TOTAL	105.5

3. All terms and conditions of appropriation A-15758 remain in effect unless specifically changed by this Order.
4. The appropriator must comply with all relevant statutes. This includes, but is not limited to, the following.
  - a. Notify the Department of any change in ownership or address.
  - b. Notify the Department of the name and address of the person responsible for the use of the water appropriation (this may include farm managers, tenants, or relatives that actually apply the water to the approved use).
  - c. Obtain approval from the Department prior to taking any action that changes the location of the point of diversion, the location of the place of use, the type of use, or the type of appropriation.

#### Additional Information

Failure to comply with all laws and regulations pertaining to surface water appropriations, any orders issued by the Director of the Department of Natural Resources, or the provisions of this Approval may cause cancellation of part or all of this appropriation, temporary closing of the appropriation, administrative penalty, criminal prosecution, or any combination thereof.

Nebraska law provides that failure to use an appropriation for five consecutive years may result in cancellation of the appropriation.

This appropriation is not a guarantee that water will be available. Nebraska law gives priority to senior appropriations. This appropriation may be closed if there is insufficient water to satisfy senior appropriations.

DEPARTMENT OF NATURAL RESOURCES

November 24, 2008

/S/  
Brian P. Dunnigan, P.E., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this Order may request a contested case hearing in accordance with the Nebraska Administrative Procedures Act (Sections 84-901 et. seq. RSS) and the Department's Rules of Practice and Procedure (454 N.A.C. Chapter 007). The request must be received by the Department at its Lincoln office (301 Centennial Mall South, 4<sup>th</sup> Floor State Office Building, Lincoln, Nebraska 68509-4676) within 30 days of the date of the order and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department's website. A copy of this approval and map number 17276 were provided to the Department's field office in Ord, Nebraska. A copy of this approval and map number 17276 were mailed on November \_\_\_\_\_, 2008, to the following:

Brush Creek Ranch  
89105 480<sup>th</sup> Avenue  
Atkinson, NE 68713

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PO Box 24738  
Omaha, NE 68124-0738